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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Baron, Udo *et al.*

Serial No.: 09/922568

Filed: August 3, 2001

For: *TRANSGENIC ORGANISMS HAVING
TRANSCRIPTIONAL ACTIVATORS WITH GRADED
TRANSACTIVATION POTENTIAL*

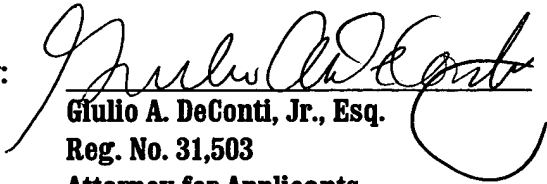
Attorney Docket No.: BBI-088CPADV2

Group Art Unit: 1752

Examiner: Not Yet Assigned

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FEB 14 2003
TC 1700Commissioner for Patents
Washington, D.C. 20231**Certificate of First Class Mailing (37 CFR §1.8(a))****I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.**2-5-03**Date of Signature and of Mail Deposit**

By:


Giulio A. DeConti, Jr., Esq.
Reg. No. 31,503
Attorney for Applicants**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

Applicants and their Attorney have become aware of the following publication, cited in a Communication pursuant to Article 96(2) EPC mailed November 5, 2002 during the prosecution of EP 98 931 801.9 which corresponds to the above referenced application. In accordance with 37 CFR §1.97, Applicants hereby submit this publication for the Examiner's consideration. This publication is cited on the

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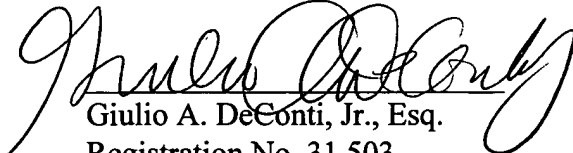
enclosed PTO Form 1449, and a copy of the Report and the publication cited thereon are enclosed as well.

This statement is not to be interpreted as a representation that the cited publications are material, that an exhaustive search has been conducted, or that no other relevant information exists. Nor shall the citation of any publication herein be construed *per se* as a representation that such publication is prior art. Moreover, the Applicants understand that the Examiner will make an independent evaluation of the cited publications.

In accordance with 37 CFR §1.97(e)(1), the undersigned hereby certifies that each item contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application *for the first time* not more than three months prior to the filing of this statement. Furthermore, in accordance with 37 CFR §1.704(d), Applicants note that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of this statement.

No additional costs are believed to be due in connection with the filing of this Supplemental Information Disclosure Statement. However, please charge any necessary fees in connection with the enclosed statement to our Deposit Order Account No. 12-0080.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP



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Date: February 5, 2003

GAD/DFS/CEH/krj